

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 9th October 1963****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL SIR RICHARD WALTER CRADDOCK, KBE,
CB, DSO

COMMANDER BRITISH FORCES

THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC

COLONIAL SECRETARY

THE HONOURABLE DENYS TUDOR EMIL ROBERTS, OBE

ACTING ATTORNEY GENERAL

THE HONOURABLE JOHN CRICHTON McDOUALL

SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM

ACTING FINANCIAL SECRETARY

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE ALEC MICHAEL JOHN WRIGHT

DIRECTOR OF PUBLIC WORKS

THE HONOURABLE GEOFFREY MARSH TINGLE

DIRECTOR OF URBAN SERVICES

DR THE HONOURABLE TENG PIN-HUI, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE RICHARD CHARLES LEE, CBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE SIDNEY SAMUEL GORDON

THE HONOURABLE LI FOOK-SHU, OBE

MR GORDON ERIC MATHER (*Deputy Clerk of Councils*)**ABSENT:**

THE HONOURABLE DHUN IEHANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

MINUTES

The minutes of the meeting of the Council held on 18th September 1963, were confirmed.

PAPERS

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers: —

<i>Subject</i>	<i>LN No</i>
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 36) Order, 1963	116
Pensions Ordinance, Chapter 89.	
Pensionable Offices (Amendment) Order, 1963	117
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 37) Order, 1963	118
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 38) Order, 1963	119

DUTIABLE COMMODITIES ORDINANCE, 1963

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 4 of the Dutiable Commodities Ordinance, 1963, that the duties imposed under section 4 of the Dutiable Commodities Ordinance, Chapter 109, be revoked with effect from the 16th day of October, 1963, and that thereafter the duties payable under the Dutiable Commodities Ordinance, 1963, shall be as follows: —

DUTIES ON LIQUORS.

Duty shall be payable on liquors at the following rates per gallon—

PART I (EUROPEAN-TYPE LIQUORS).

<i>Type of Liquor</i>	<i>Hong Kong Origin \$</i>	<i>Common- wealth Origin \$</i>	<i>Other Origin \$</i>
Liqueurs, Brandy, Whisky, Gin, Rum, Vodka and other spirituous liquors	65.00	65.00	73.00
Champagne and other sparkling wines	—	36.00	44.00
Still wines above 15% alcohol by volume	—	20.00	25.00

<i>Type of Liquor</i>	<i>Hong Kong Origin \$</i>	<i>Common- wealth Origin \$</i>	<i>Other Origin \$</i>
Still wines not more than 15% alcohol by volume ...	—	16.00	20.00
Still wines above 15% alcohol by volume imported in casks	—	10.00	15.00
Still wines not more than 15% alcohol by volume imported in casks	—	8.00	12.00
Cider and Perry and other similar beverages	—	2.00	2.50
Beer, except Cider and Perry, not exceeding 1055° original gravity	1.60	1.80	2.20
and in addition for every degree by which the original gravity exceeds 1055°.....	0.04	0.04	0.05
Intoxicating liquors in this Part above the strength of 22° under proof, for every degree above such strength in addition to the duties specified above	0.50	0.50	0.60

PART II (NON-EUROPEAN-TYPE LIQUORS).

<i>Type of Liquor</i>	<i>Hong Kong Origin \$</i>	<i>Common- wealth Origin \$</i>	<i>Other Origin \$</i>
Non-European-type wines	10.00	10.00	12.00
Non-European type spirits including Chinese type spirits,Sake, Arrack	6.50	6.50	7.50
and in addition for every one per cent by which the alcoholic strength by volume exceeds 30%	0.26	0.26	0.30

PART III (INDUSTRIAL-TYPE LIQUORS).

<i>Type of Liquor</i>	<i>Hong Kong Origin \$</i>	<i>Common- wealth Origin \$</i>	<i>Other Origin \$</i>
Ethyl alcohol, and admixtures containing ethyl alcohol	6.50	6.50	7.50
and in addition for every one per cent by which the alcoholic strength by volume exceeds 30%	0.26	0.26	0.30

Provided that the Director may assess the duty on intoxicating liquors not specified in Part I or II, at the rate prescribed for liquor which in his opinion most nearly approximates to the liquor on which duty is to be assessed:

Provided also that the Director may in his discretion assess the duty on any quantity of liquor of less than two gallons, imported at any time in one consignment, at \$50 per gallon.

DUTIES ON TOBACCO.

Duty shall be payable on tobacco at the following rates per lb.—

A. —on *UNMANUFACTURED TOBACCO*—

(1) Unstripped tobacco containing—	
(a) 10 per cent or more of moisture by weight—	
(i) tobacco of Commonwealth origin	\$5.45
(ii) other tobacco	5.75
(b) less than 10 per cent of moisture by weight—	
(i) tobacco of Commonwealth origin	5.48
(ii) other tobacco	5.78
(2) Stripped tobacco containing—	
(a) 10 per cent or more of moisture by weight—	
(i) tobacco of Commonwealth origin	5.60
(ii) other tobacco	5.90
(b) less than 10 per cent of moisture by weight—	
(i) tobacco of Commonwealth origin	5.75
(ii) other tobacco	6.05

B. —on *MANUFACTURED TOBACCO*—

(1) Cigars—	
(i) of Commonwealth origin and manufacture	6.50
(ii) of Commonwealth manufacture only	7.25
(iii) other cigars	9.00
(2) Cigarettes—	
(i) of Commonwealth origin and manufacture	6.60
(ii) of Commonwealth manufacture only	7.20
(iii) other cigarettes	8.10
(3) Other manufactured tobacco including snuff and cigar cuttings—	
(i) of Commonwealth origin and manufacture	5.20
(ii) of Commonwealth manufacture only	5.80
(iii) Chinese prepared tobacco	2.50
(iv) other varieties	6.70

DUTIES ON HYDROCARBON OILS.

Duty shall be payable on hydrocarbon oils at the following rates per gallon—

(a) light oils—	
(i) motor spirit	\$1.50
(ii) other light oils	0.10
(b) heavy oils—	
(i) diesel oil for public omnibuses owned and operated by China Motor Bus Company Limited and by the Kowloon Motor Bus Company (1933) Limited, respectively	1.50
(ii) diesel oil for other road vehicles	1.00
(iii) other diesel oil and other heavy oils not specified above	0.10

“motor spirit” means any light oil which has been rendered suitable for use as a fuel in any internal combustion engine by the addition of any compound or compounds of lead and any other light oil suitable and intended for use in any internal combustion engine.

DUTY ON TABLE WATERS.

Duty shall be payable on table waters at 48 cents per gallon.

DUTY ON METHYL ALCOHOL.

Duty shall be payable on methyl alcohol at the rate of \$7.50 per gallon and in addition, for every one per cent by which the strength of methyl alcohol by volume exceeds 25 per cent, 30 cents per gallon.

He said: Sir, the purpose of this resolution is to provide for the duties to be imposed under the new Dutiable Commodities Ordinance. Your Excellency has signed a proclamation bringing this Ordinance into force on 16th October, and if this resolution is approved the duties would become effective from the same day. My Honourable colleagues and, indeed, the public at large will be relieved to learn that I have resisted this opportunity to make increases. The duties proposed in the schedule attached to the Order Paper, in fact, remain the same as those currently in force—at least for the present.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 30TH JUNE 1963

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 30th June 1963, as set out in Schedule No. 1 of 1963-64, be approved.

He said: Sir, the Schedule before Council is the first list of supplementary provisions on the 1963-64 account. The total supplementary vote required amounts to some 8.8 million dollars. Re-votes of funds which lapsed on 31st March 1963, account for about 3¼ million dollars of the total and a further 4¼ million dollars relates to Public Works projects in respect of which the rate of expenditure is proving to be higher than allowed for when the Estimates were prepared.

All the items in the Schedule have been approved by Finance Committee and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SUMMARY OFFENCES (AMENDMENT) BILL, 1963

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Summary Offences Ordinance, Chapter 228."

He said: Sir, as the law now stands, it is an offence for a person to occupy any land which is not held under a Crown lease, unless that person holds a permit to do so.

This means that an occupier of such land is guilty of an offence not only if he unlawfully enters the land but also if he originally enters it lawfully but remains unlawfully in occupation after the expiry of the Crown lease or permit.

It is considered that criminal sanctions should not be invoked against persons who first enter such land lawfully, even if they subsequently without a break remain in occupation unlawfully. In such circumstances, the Crown would in future, by virtue of the new section 9 proposed by clause 2 of the Bill, be left to its civil remedy of eviction.

A new subsection (6) is proposed to be inserted in section 9 of the Ordinance requiring the consent of the Attorney General to any prosecution under that section. It is considered that prosecutions for unlawful entry, which raise many difficult problems, should be subject to this additional control.

The maximum penalty for a contravention of subsection (1) is increased from 500 to 1,000 dollars, in accordance with the usual practice, when penalty provisions in old Ordinances are amended, of adjusting the amount of fines, which were last altered in this case in 1950, to more realistic levels in the light of the reduced value of money.

The opportunity has been taken to repeal and replace section 36, which confers power on the Governor in Council to make regulations, to remove certain doubts as to the extent of this power.

The proposed new section 37 will clarify the powers of the lawful authority issuing licences or permits under sections 3 or 9 to impose conditions in them and charge fees for them.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The "Objects and Reasons" for the Bill were stated as follows: —

It is provided by section 9 of the Summary Offences Ordinance, Chapter 228 (the principal Ordinance) that any person who occupies Crown land without a licence or permit shall be guilty of an offence. The effect of this section is to create a criminal offence in relation not only to the unlawful entry upon Crown land but also to the overholding of Crown land after the expiry of a Crown lease or Crown land permit. It is considered that criminal offences should be limited to persons whose entry on Crown land was, in the first instance, not authorized by a Crown lease or Crown land permit. The purpose of this Bill is to repeal and replace section 9 of the principal Ordinance for this purpose. The opportunity has been taken to redraft the remainder of the section to clarify the powers of the court in relation to proceedings under the section and the powers of the lawful authority in relation to the issue of permits and to require the authority of the Attorney General for prosecution under that section.

2. The opportunity has also been taken to replace section 36 by two new sections—

- (a) section 36 which confers on the Governor in Council amended power to make regulations; and
- (b) section 37 which gives amended power to a lawful authority under sections 3 and 9 to impose conditions within the limitations prescribed therein.

SUPPLEMENTARY APPROPRIATION (1962-63) BILL, 1963

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st, day of March, 1963."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 and 2, the Schedule and the Preamble were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Supplementary Appropriation (1962-63) Bill, 1963, had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

ADJOURNMENT

HIS EXCELLENCY THE GOVERNOR: —Well, gentlemen, that concludes the business for today. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —Sir, may I suggest Wednesday, 23rd October.

HIS EXCELLENCY THE GOVERNOR: —Council stands adjourned until Wednesday, 23rd October.